

Order

Michigan Supreme Court
Lansing, Michigan

October 22, 2021

Bridget M. McCormack,
Chief Justice

159033

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

LAKESHORE GROUP, CHARLES ZOLPER,
JANE UNDERWOOD, LUCIE HOYT,
WILLIAM REININGA, KENNETH ALTMAN,
DAWN SCHUMANN, GEORGE SCHUMANN,
MARJORIE SCHUHAM, and LAKESHORE
CAMPING,

Plaintiffs-Appellants,

v

SC: 159033
COA: 341310
Court of Claims: 17-000140-MZ

STATE OF MICHIGAN,
Defendant,

and

DEPARTMENT OF ENVIRONMENTAL
QUALITY,
Defendant-Appellee.

By order of November 27, 2019, the application for leave to appeal the December 18, 2018 judgment of the Court of Appeals was held in abeyance pending the decision in *Lakeshore Group, et al v Dep't of Environmental Quality and Dune Ridge SA LP* (Docket Nos. 159524-5). On order of the Court, the case having been decided on May 20, 2021, ___ Mich ___ (2021), the application is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellants shall file a supplemental brief addressing: (1) whether administrative review and approval of a permit can ever form the basis of a cause of action under MCL 324.1701(1), see *Preserve the Dunes, Inc v Dep't of Environmental Quality*, 471 Mich 508 (2004); and (2) if so, whether the appellants have stated a cause of action under MCL 324.1701 based on the issuance of permits that allegedly violate the Sand Dunes Protection and Management Act, MCL 324.35301 *et seq.* (Part 353). The appellants' brief shall be filed by January 31, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix

page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellants' brief. A reply, if any, must be filed by the appellants within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

Amici who appeared at the application stage are invited to file supplemental briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 22, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk